

Arizona Senate Government Committee

Senator Jim Waring, Chairman



**Nadine Sapien, Research Analyst
Sharon Coleman, Intern**

GOVERNMENT COMMITTEE

**Forty-seventh Legislature
Second Regular Session**

LEGISLATION ENACTED

condominiums; homeowners' associations; records; fees (S.B. 1007) – Chapter 71

Prohibits foreclosure by a homeowners' association (HOA) until an owner has been delinquent in the payment of monies secured by a lien, excluding reasonable collection fees, reasonable attorney fees and charges for late payment of those assessments, for a period of one year or in the amount of \$1,200 or more, whichever occurs first. Requires an HOA to provide a unit owner with written notice of violation of the community documents and a description of the process to contest the notice. Provides an HOA member who receives the notice, regardless of whether a monetary penalty is imposed by the notice, an opportunity to send the HOA a written response by certified mail within ten business days after the date of the notice. The HOA must respond to the HOA member with a written explanation regarding the notice within ten business days of receipt of the response from the HOA members. The explanation must contain the following information: 1) the provision of the community documents that has been allegedly violated; 2) the date of the violation or the date the violation was observed; and 3) the process the HOA member must follow to contest the notice. Removes contemplated litigation from the conditions in which records may be withheld. Prohibits an HOA from charging an HOA member or the member's representative for making financial and other records of the HOA available for review. The HOA must make the records available within ten business days of the request and provide copies of the requested records within ten business days of the request. The copying fees are limited to not more than 15 cents per page.

condominiums; planned communities; foreclosure limitation (S.B. 1008) – Chapter 72

Prohibits foreclosure by a homeowners' association until an owner has been delinquent in the payment of monies secured by a lien, excluding reasonable collection fees, reasonable attorney fees and charges for late payment of those assessments, for a period of one year or in the amount of \$1,200 or more, whichever occurs first.

appropriation; Pearl Harbor memorial (S.B. 1011) – Chapter 355

Appropriates \$69,000 from the state General Fund to the Department of Veterans' Services to be deposited into the Veterans' Donations Fund to be transferred and deposited into the national Pearl Harbor Memorial Fund. The appropriation represents one dollar for each Arizona serviceman and servicewoman who served during World War II.

GOVERNMENT COMMITTEE (Cont'd.)

state servicing banks; eligibility (S.B. 1022) – Chapter 99

Requires the servicing bank that receives the highest rated bid rather than the lowest bid to become the designated servicing bank for the state. The highest rated bid is based on response, price, service qualifications and other factors.

national guard fund; family assistance (S.B. 1032) – Chapter 181

Expands the use of the monies in the National Guard Relief Fund to provide financial assistance to families of Arizona National Guard members mobilized in support of a contingency operation or state emergency.

appropriation; Tucson veterans' home (S.B. 1043) – Chapter 356

Appropriates \$10 million from the state General Fund in FY 2006-2007 to the Arizona Department of Veterans' Services (ADVS) for a veterans' home facility in Tucson. The appropriation is intended to be this state's share of the costs and shall not be spent unless ADVS has irrevocable commitment from the federal government to fund at least 65 percent of the total costs.

water; wastewater; sewer; service rates (S.B. 1044) – Chapter 45

Requires municipal water and wastewater rates to be just and reasonable.

homeowners' associations; military flags (S.B. 1055) – Chapter 75

Prohibits a homeowners' association (HOA) from banning the display of the following official or replica flags: U.S. Army, Navy, Air Force, Marine Corps or Coast Guard flags, the Arizona State flag, an Arizona Indian Nations flag or the POW/MIA flag. The HOA is required to adopt reasonable rules and regulations regarding flag placement and manner of display.

code talkers monument; extension (S.B. 1095) – Chapter 39

An emergency measure extending the time for completion of a Navajo code talkers monument to January 1, 2009.

probation officers; overtime compensation (S.B. 1096) – Chapter 151

This emergency measure exempts probation and surveillance officers who are employed in a bona fide executive or administrative capacity as defined by the employer from overtime pay requirements.

battle of the bulge monument (S.B. 1112) – Chapter 314

Allows for the placement of a battle of the bulge monument in the Wesley Bolin Plaza.

GOVERNMENT COMMITTEE (Cont'd.)

state servicing banks; proposals (S.B. 1115) – Chapter 152

This emergency measure requires the State Treasurer and the Board of Investment to determine the designated servicing bank based on the highest value to the state, rather than the lowest bid, through a request for proposal process.

enduring freedom monument; funding extension (S.B. 1132) – Chapter 31

Extends the deadline that an enduring freedom memorial must be completed and dedicated to the state from August 22, 2006, to August 25, 2007.

condominiums; real property conveyance (S.B. 1138) – Chapter 81

Allows a condominium homeowners' association (HOA) to convey real property that is held as an asset of the HOA and that is not held as a common element if persons entitled to cast 80 percent of the votes in the HOA or any larger percentage specified in the declaration agree to the action. Specifies how the property may be conveyed. Any purported conveyance or other voluntary transfer of real property that does not comply with this legislation is void and a conveyance of real property in accordance with this legislation does not affect the priority or validity of preexisting encumbrances. Exempts property that an HOA acquires through a foreclosure action for assessments from the specified conveyance requirements.

DPS; officer organizations (S.B. 1139) – Chapter 155

Reduces the number of votes a Department of Public Safety (DPS) employee organization must receive to be recognized by DPS as the representing organization from a majority of DPS employees to a majority of votes cast by eligible DPS employees in a representation election.

constable ethics committee; membership (S.B. 1180) – Chapter 280

Alters membership and staffing responsibility for the Constables Ethics Committee (Committee). Establishes a Constable Ethics Committee Fund (Fund). Requires a fee not to exceed \$5 per writ be established by the board of supervisors and that monies collected be deposited in the Fund. Requires the Committee to use 80 percent of monies appropriated from the Fund for constable training, equipment and related grants and 20 percent for operating expenses of the Committee. Allows the act to be cited as the "Marilyn Jarrett Constable Ethics Act."

personal identifying information; recorded documents (S.B. 1219) – Chapter 183

Beginning January 1, 2007, prohibits the recording to a public website of documents or records that contain any of the following personal identifying information: 1) more than 5 digits of a social security number; 2) credit card, charge card or debit card numbers; 3) retirement account numbers; or 4) savings, checking or securities entitlement account numbers. Authorizes the Attorney General or a county attorney, or both, to initiate legal action for a violation of this legislation and establishes a civil penalty of up to \$500 for each act of recording personal

GOVERNMENT COMMITTEE (Cont'd.)

identifying information but limits the penalties to the person or entity that authorizes the creation of the documents for recording.

public records; declaratory action (S.B. 1225) – Chapter 249

Removes the limitation that attorney fees only be awarded by the court if the court finds that the public records were wrongfully denied and the public body acted in bad faith or in an arbitrary or capricious manner. Allows the court to award attorney fees and other legal costs reasonably incurred in an action for denial of access to records if the person seeking the records has substantially prevailed.

9/11 monument; deadline extension (S.B. 1241) – Chapter 35

Extends the time for the completion and dedication of a September 11, 2001 commemorative monument to September 18, 2007.

law enforcement agencies; retirement credentials (S.B. 1258) – Chapter 37

Requires law enforcement agencies to issue a photo identification to law enforcement officers who retire honorably stating the officer retired honorably. Requires the chief law enforcement officer to determine whether an officer retired honorably and this determination is not subject to review. Exempts law enforcement agencies from the obligation to revoke, alter or modify honorable discharge identification once it has been issued.

minimum constable salaries (S.B. 1279) – Chapter 318

Requires the salaries of constables to be based on the number of registered voters rather than the number of civil cases on file and increases the cap for constable salaries in precincts with 16,000 or more registered voters.

~~construction services contracts; single solicitation~~ (NOW: single solicitation; construction services) (S.B. 1292) – Chapter 163

Authorizes an agent to procure multiple contracts for job-order-contracting in a single solicitation for horizontal construction.

crime victims; free police reports (S.B. 1386) – Chapter 167

Allows a victim of a Part I criminal offense under the statewide uniform crime reporting program or the victim's immediate family member if the victim is killed or incapacitated to receive a free copy of the police report from the investigating law enforcement agency.

ombudsman-citizens aide; public access laws (S.B. 1407) – Chapter 370

Appropriates \$185,000 and two FTEs from the state General Fund in FY 2006-2007 to the Office of the Ombudsman-Citizens Aide (Ombudsman). Beginning January 1, 2007, requires the Ombudsman to appoint two assistants, one of whom is an attorney, to assist in

GOVERNMENT COMMITTEE (Cont'd.)

investigating complaints relating to public records and open meeting laws; train public officials and educate the public on their rights and the responsibilities of public agencies; and to prepare and distribute educational materials pertaining to public access laws. Authorizes the Ombudsman to enter and review agency records and grants the Ombudsman subpoena powers.

appropriation; revenue sharing equity (NOW: county development fees; report) (S.B. 1413) – Chapter 223

SEE APPROPRIATIONS COMMITTEE.

fire district amendments (S.B. 1454) – Chapter 315

An emergency measure that modifies fire district formation and boundary change requirements. Allows a fire district to: replace the adopted fire code with an alternative code without a vote of the district; adopt resolutions for financial schedule reimbursement to taxpayers for installation of certain fire protection systems such as sprinklers and monitored alarms; provide or assist in providing fire or medical services outside of its boundaries if the services are unavailable and the services are requested and receive reimbursement for the costs of providing the emergency services. Establishes procedures to authorize a fire district to consolidate with one or more fire districts; modifies the process to merge fire districts. Allows a county island fire district to enter into an intergovernmental agreement with the county in which the district is located for any purpose that is consistent with statute. Requires costs and reasonable attorney fees to be awarded to a defendant that is a prevailing party in a legal challenge regarding the formation of a county island fire district.

department of administration; continuation (H.B. 2009) – Chapter 5

Retroactive to July 1, 2006, continues the Arizona Department of Administration until July 1, 2016.

government information technology agency; continuation (H.B. 2010) – Chapter 89

Retroactive to July 1, 2006, continues the Government Information Technology Agency and the Information Technology Authority Committee until July 1, 2016.

state personnel board; continuation (H.B. 2011) – Chapter 41

Retroactive to July 1, 2006, continues the State Personnel Board until July 1, 2016.

Prescott historical society; continuation (H.B. 2012) – Chapter 42

Retroactive to July 1, 2006, continues the Prescott Historical Society until July 1, 2016.

ombudsman-citizens aide; reappointment (H.B. 2040) – Chapter 6

This emergency measure reappoints Patrick M. Shannahan as Ombudsman-Citizens Aide for a term ending on July 1, 2011.

GOVERNMENT COMMITTEE (Cont'd.)

veterans' services; powers and duties (H.B. 2059) – Chapter 119

Authorizes the Arizona Department of Veterans' Services (ADVS) to acquire real estate property rights and related infrastructure for enhancement or preservation of military installations through the Military Installation Fund. Authorizes ADVS to establish a training center and allows ADVS to charge a fee for training. The ADVS Director may contract with a nonprofit organization to work on issues relating to female veterans. Clarifies that a veteran must be eligible for benefits provided by the Montgomery GI Bill to receive a tuition and books and materials deferment from a public postsecondary institution.

veterans; proper burial (H.B. 2061) – Chapter 120

Requires a county to provide for the proper burial of an indigent honorably discharged veteran or the indigent surviving spouse of an honorably discharged veteran, if a veterans' organization is unable to provide for the burial. A county must notify the Veterans' Administration or a local veteran's organization, or both, of the death to give the organization the opportunity to provide for the person's burial or for other funeral and disposition arrangements. Repeals duplicative language regarding burial of indigent veterans.

~~planning and zoning; utility corridors~~ (NOW: utility development; advance planning) (H.B. 2080) – Chapter 91

Requires a municipality or county to cooperate and work with the utility, if an electric or natural gas utility works with any municipality or county to develop advance plans for anticipated facilities that are to be installed in the municipality or county. Requires a municipality or county to include the location and nature of planned utility facilities in the municipality general plan or the county comprehensive plan. Requires a utility to update each facility plan that has been provided to a municipality or county at least every two years.

nuclear facility; emergency planning zone (H.B. 2134) – Chapter 10

Requires the owners of a commercial nuclear generating station to prepare, execute and record a legal description of the land that is within an emergency planning zone consisting of all land within a ten-mile radius of the plant.

~~local building construction; procedures~~ (NOW: building construction; procedures) (H.B. 2136) – Chapter 129

Requires counties and municipalities to procure, design and construct bond-financed buildings pursuant to the guidelines applicable to other public buildings. The notice for bids for public buildings must be published in a newspaper of general circulation in the county in which the agent is located. Specifies publication duration requirements.

county island fire districts; agreement (H.B. 2145/S.B. 1177) – Chapter 2

An emergency measure authorizing the formation of a county island fire district and requiring the surrounding municipality or a private provider to provide fire protection and

GOVERNMENT COMMITTEE (Cont'd.)

emergency medical services to the district upon its formation. The formation of the district is limited to county islands located in the service provider district in which the largest city has a population of between 395,000 and 500,000 persons and that is within the municipal planning area of a town of 100,000 or more persons. The district must include all of the county islands in this area. The district is governed by a five-member elected district board. Requires the municipality to charge a reasonable rate to the district to recover costs of service and authorizes the district board to assess and levy a secondary property tax. The municipality's charges are limited to a formula that includes a portion of the impact fees designated for fire protection for each residence or commercial building, infrastructure costs, operation and maintenance costs and administration costs. Requires a private provider to post a \$10 million performance bond if the private provider is the successful bidder. Places the liability on the municipality if the municipality was grossly negligent in providing services to a district. By December 1, 2011, the President of the Senate and the Speaker of the House of Representatives must appoint a study committee to review statutes regarding county island fire districts and the committee is required to report its findings for consideration in the following legislative session. Requires a county with a population of more than 1.5 million that has a county island that does not form a district to enter into an intergovernmental agreement (IGA) with a municipality or municipalities for fire protection and emergency medical services. Places the liability on the county if the county was negligent in enforcing building, zoning or other related codes in a county island and a municipality with the IGA to provide service is hindered in responding to an emergency because of these code issues.

planned communities; utility vehicle parking (H.B. 2205) – Chapter 173

Requires a homeowners' association to allow a resident employed by a public service corporation or public safety agency to park a public service utility vehicle, necessary for emergency repair or maintenance of electrical or water infrastructure, on a street or driveway in the planned community.

~~statute of frauds; technical correction~~ (NOW: municipal annexation; waiting period) (H.B. 2212) – Chapter 63

This emergency measure prohibits a municipality from filing an annexation petition that includes the same territory as an unsuccessful annexation attempt by the same municipality until 45 days after the completion of the unsuccessful attempt. A property owner may waive the waiting period for the owner's property that was part of the original unsuccessful annexation.

~~code enforcement officer; identifying information~~ (NOW: identifying information; code enforcement officer) (H.B. 2220) – Chapter 298

Authorizes code enforcement officers to submit an affidavit to the county recorder, county assessor, county treasurer and the Motor Vehicle Division requesting that specified personal identifying information be withheld from public access. Allows public bodies to withhold the disclosure of personal identifying information of code enforcement officers from personnel files. Allows personal identifying information to be opened if the code enforcement officer is no longer employed in that capacity. Prescribes penalties for knowingly releasing personal identifying information.

GOVERNMENT COMMITTEE (Cont'd.)

sheriffs and constables; fees; fund (NOW: residential rental property inspections) (H.B. 2221) – Chapter 285

Allows cities to establish a residential rental property inspection program. Specifies conditions under which a city may conduct interior inspections for residential rental properties. Prohibits municipalities from adopting licensing or registration requirements for rental properties or property owners. Prohibits municipalities from charging a fee for initial interior inspections but allows municipalities to charge fees for subsequent inspections. Allows municipalities to impose a civil penalty of \$150 per day for failure to register with the county assessor. Allows municipalities to require a residential rental property owner of a designated slum property to hire a property management firm to manage the property, participate in a crime-free multihousing program or attend landlord tenant training classes.

peace officers memorial board; composition (H.B. 2229) – Chapter 64

Adds the following six members to the Arizona Peace Officers Memorial Board: 1) the Director of the Department of Corrections; 2) the Executive Director of the Arizona Criminal Justice Commission; 3) two family members of peace officers who lost their lives in the line of duty; and 4) two members from a statewide organization representing law enforcement personnel.

state employees; annual leave transfers (H.B. 2231) – Chapter 11

Allows state employees to donate annual leave to other state employees under the Arizona Department of Administration personnel system if the receipt employee has a seriously incapacitating and extended disability that is caused by pregnancy or childbirth.

capitol police; reserve officers (H.B. 2232) – Chapter 131

Authorizes the Arizona Department of Administration (ADOA) to establish the Capitol Police Reserve as a volunteer organization of peace officers and volunteers who are not peace officers to render auxiliary support at the direction of the ADOA Director. Deems the reservists state employees while on duty for the purpose of securing workers' compensation benefits.

community facilities districts; counties (H.B. 2236) – Chapter 132

Expands the authority of county-formed community facilities districts (CFD) to finance specified public infrastructure improvements, except school facilities. Prohibits municipal-formed CFDs from financing the acquisition, construction or renovation of school facilities. Authorizes a county-formed CFD to levy a property tax, call general obligation (GO) bond elections and issue GO bonds and revenue bonds.

reviser's technical corrections; 2006 (H.B. 2239) – Chapter 299

Makes technical corrections to the Arizona Revised Statutes for the 2006 edition.

GOVERNMENT COMMITTEE (Cont'd.)

DPS; director; industrial injury leave (H.B. 2339) – Chapter 268

Allows the Director of the Department of Public Safety (DPS) to grant a maximum of 2,082 hours of industrial injury leave to any civilian DPS employee who is injured while performing or assisting in law enforcement or hazardous duties and whose work-related injuries prevent the employee from carrying out work-related duties.

local warrant payment; definitions (H.B. 2348) – Chapter 24

Allows cities, towns and counties the use of electronic warrants for payment of incurred debt. Requires cities towns, counties and the designated servicing bank to agree upon the delivery methods of warrants, substitute checks and vouchers.

county assessors; property fund; continuation (H.B. 2349) – Chapter 206

Extends, from 2007 to 2012, the authority of counties of 500,000 persons or less to establish a county assessor's property information storage and retrieval conversion and maintenance fund and to assess a recording surcharge of not more than four dollars for each instrument, paper or notice filed with the county recorder.

county treasurer; corrections (H.B. 2350) – Chapter 134

Allows the county treasurer to abate personal property in the same manner as real property. Allows the county treasurer to require electronic documentation and payment from owners who submit 100 or more personal property tax payments. Removes the requirement that the Department of Revenue (DOR) approve property tax abatement by the county. Clarifies that the county treasurer must pay interest on tax correction refunds at the rate set by DOR on the day the payment is rendered.

~~motor vehicle sale advertisements~~ (NOW: Mexico; entry; minors) (H.B. 2387) – Chapter 174

Allows the governing body of a city, town or county to adopt an ordinance to allow a peace officer or sheriff to prevent minors from entering into Mexico under specified conditions. Stipulates that the sheriff or peace officer cannot detain the minor. Specifies that this legislation does not limit the authority of a peace officer or hold any city or town criminally or civilly liable for not adopting an ordinance relating to this section of law.

energy cost saving measures; requirements (H.B. 2430) – Chapter 137

Increases, from 10 to 25 years or the maximum performance life of the energy savings measure, whichever is shorter, the contract terms for energy cost savings measures; removes the 8-year payback requirements for solar energy measures. The bill also removes all reporting requirements for calculating energy and costs avoidance amounts and paybacks. Requires all costs incurred from energy savings measures to be covered under the energy and operational savings after any financial incentives or assistance is provided by utilities rather than the contractor bearing the costs.

GOVERNMENT COMMITTEE (Cont'd.)

county long-term obligations; public hearing (H.B. 2432) – Chapter 111

Requires the board of supervisors (board) in a county with a population of less than 500,000 that approves incurring any long-term obligation, with the exception of general obligation bonds, to hold a public hearing at least 15 days before adopting a resolution for incurring the long-term obligation. Specifies notice requirements. The board must present an analysis of the need for the project, the need to use long-term financing and any other available options to accomplish the project. Requires the board to hold a public meeting to adopt findings following public comment and by roll call vote to either: 1) adopt and enter a resolution of intention to incur long-term obligations to finance the project, stating the public need for the project, the estimated cost and the amount of the long-term obligations to be incurred; or 2) reject long-term financing of the project and abandon further proceedings.

counties; census boundary program participation (H.B. 2570) – Chapter 175

Requires all counties to submit precinct boundary lines for the voting tabulation district and the block boundary suggestion program given by the U.S. Census Bureau in preparation for the 2010 census.

state employees; pay increase. (H.B. 2661/S.B. 1202) – Chapter 1 (LIV)

This emergency measure appropriates a total of \$51 million in FY 2005-2006 and \$169 million in FY 2006-2007 from the state General Fund and other funds for a state employee salary increase. Requires the salary level of each employee to be increased by 2.5 percent of salary to be designated as performance pay and a lump-sum amount of \$1,650. By December 31, 2006, agencies must establish or revise performance measures that are designed to result in cost reduction, increased productivity and improved quality of the delivery of services or products and begin reviewing performance monthly or quarterly. Beginning May 1, 2007, the performance pay is at risk if the performance measures are not met. Requires each governmental unit to annually report the results of each review of the unit's performance to the Joint Legislative Budget Committee and the Governor's Office of Strategic Planning and Budgeting. Exempts employees of the Legislature, the Governor's Office, the Arizona Board of Regents, the state universities and the Judiciary from the performance pay program unless the Chief Justice elects for the Judiciary to participate in the performance pay program.

The Governor line item vetoed the uncovering of future state employees at a pay grade of 24 or above from the merit system. In her message, she explains that exempt employees accrue annual leave at a greater rate. This would create an additional expense to the state and such costs are unwarranted.

reservation telecommunications legislative study committee (H.B. 2689) – Chapter 289

Establishes the Reservation Telecommunications Legislative Study Committee (Committee). Requires the Committee to identify methods to track tribal contributions to the state transaction privilege tax (TPT), an appropriate distribution formula that is modeled after the current city and state shared revenue formula and an appropriate TPT distribution process for

GOVERNMENT COMMITTEE (Cont'd.)

tribal governments. Requires the Committee to recommend telecommunications legislation that incorporates TPT and submit a report of its findings and recommendations by June 30, 2007.

tax decisions; distribution (H.B. 2712) – Chapter 244

Requires, beginning October 1, 2006, certain agencies to provide redacted tax decisions to specified law libraries, the State Law Library and the Arizona State Library, Archives and Public Records and to publish the decisions on the agencies' official websites. Requires the Supreme Court to adopt rules establishing a procedure to distribute tax memorandum decisions to the general public and to determine what decisions are appropriate for distribution. Allows any person to file an action in tax or superior court against any agency or court that fails to adhere to this legislation. The agencies specified in this legislation must establish and maintain a website before January 1, 2008.

public construction contracts (H.B. 2715) – Chapter 141

Removes the one million population threshold, allowing all counties to consider the lowest responsible bidder as well as other criteria when entering into construction contracts for no more than five construction projects.

veterans' memorial (H.B. 2725) – Chapter 176

Authorizes a veterans' memorial to be located in the Capitol Mall and gives Legislative Council final approval of the design, dimensions, location and maintenance requirements of the memorial. Requires the proponents to enter into a contract with the Legislative Council specifying design, construction and verification of insurance and that this state is indemnified against liability relating to the construction. The proponents are also responsible for all fund-raising, establishment and administration of the fund and contracts regarding the memorial. The memorial must be completed and dedicated to the state within two years of the effective date of this act.

commission; civic education and engagement (H.B. 2788) – Chapter 385

Establishes a nine-member State Commission on Civic Education and Civic Engagement consisting of members who may be former elected officials to promote informed, responsible political participation and promote civic education and civic engagement.

DOC; peace officer status (H.B. 2793) – Chapter 245

Expands the definition of "peace officer" to include personnel employed by the Arizona Department of Corrections (ADC) and the Arizona Department of Juvenile Corrections (ADJC) who are Arizona Peace Officer Standards and Training Board (AzPOST) certified. Allows ADC and ADJC AzPOST certified employees to be recognized as peace officers while engaging in investigating or arresting persons outside of their respective department.

GOVERNMENT COMMITTEE (Cont'd.)

homeowners' associations; condominiums; hearings (H.B. 2824) – Chapter 324

Grants an administrative law judge jurisdiction over disputes between homeowners' associations (HOA) and HOA members. Establishes the Condominium and Planned Community Hearing Office Fund, administered by the Director of the Department of Building and Fire Safety (DBFS), to be used to reimburse the actual costs of the Office of Administrative Hearings for conducting hearings regarding HOA disputes and remaining monies may be used to offset the DBFS's costs for administering cases filed. Requires the Joint Legislative Budget Committee, by December 1, 2007, to review and make recommendations to the Legislature regarding the filing fees to ensure the hearing officer program is fiscally sound and self-supporting. Allows the HOA to provide specified information in the initial notice of violation rather than participating in the exchange of information process.

municipal debt; capacity (H.C.R. 2001)

Subject to voter approval, constitutionally increases the amount of debt that an incorporated city or town may incur from 6 percent to no more than 20 percent of public safety, law enforcement, fire and emergency services facilities, and streets and transportation facilities. Increases are further contingent on the approval of municipal voters.

English as official language (H.C.R. 2036)

Subject to voter approval, constitutionally establishes English as the official language of Arizona and requires all official actions to be conducted in English. Exempts the following actions from the definition of "official action": 1) teaching or encouraging learning languages other than English; 2) actions required under federal laws; 3) actions, documents or policies necessary for tourism, commerce or international trade; 4) actions or documents that protect the public health and safety; 5) actions that protect the rights of crime victims or criminal defendants; 6) using terms of art or phrases from languages other than English; 7) using or preserving Native American languages; 8) providing assistance to hearing impaired or illiterate persons; 9) informal and nonbinding translations or communications among or between government representatives and other persons; and 10) actions necessary to preserve the right to petition for the redress of grievances. Authorizes an Arizona resident or person doing business in Arizona to file a civil action for relief from any official action that violates this act and injunctive or mandatory relief if this act is not being implemented or enforced. Allows the award of costs and attorney fees to a successful party.

supporting construction; energy pipelines (H.C.R. 2048)

Expresses the Legislature's support for construction of a natural gas and gasoline products pipeline and a high-speed fiber optics communication line in Arizona.

state border guard units (H.J.R. 2001)

The Legislature and the Governor urge Congress and the Secretary of the U.S. Department of Homeland Security to consider authorizing the establishment of U.S. Coast Guard reserve units to aid in patrolling Arizona's borders.

GOVERNMENT COMMITTEE (Cont'd.)

VETOES

emergency; confiscation of firearms; prohibition (S.B. 1425) – VETOED

Prohibits the Governor, Adjutant General or any other official or person under a state of emergency from restricting the lawful possession, transfer, sale, transport, carrying, storage, display or use of firearms or ammunition or firearms or ammunition components.

In her veto message, the Governor states that the bill goes too far and is not in the best interest of Arizonans, including lawful gun owners.

local planning; residential housing incentives (S.B. 1479) – VETOED

Prohibits a city, town or county from adopting a land use regulation, adopting a general or specific plan provision or imposing as a condition for approving a building or use permit a requirement or fee that effectively establishes the lease or sale of a housing unit, residential building or parcel to be designated for sale or lease to a particular class or group of purchasers. Allows a city, town or county to use its authority to adopt or enforce a land use regulation, general or specific plan provision, condition of approval creating or implementing an incentive, density bonus or other voluntary regulation or condition designed to increase the supply of moderate to lower cost housing units.

In her veto message, the Governor indicates that S.B. 1479 is immature because conversations among cities, builders, realtors and affordable housing advocates are ongoing and have not yet reached a consensus for dealing with residential housing incentives.

~~ski information signs; technical correction~~ (NOW: special audit; OAG; sole source) (H.B. 2102) – VETOED

Allows the Joint Legislative Audit Committee to require the Auditor General to perform a literature review to evaluate the use of exclusive vendor contracts versus multiple vendor contracts and specifies the scope of the review. Requires the Arizona Department of Administration (ADOA) to conduct an impartial review of the efficacy of the exclusive vendor office supply contract and specifies specific items for review.

In her veto message, the Governor indicates that the efficiency of the ADOA contract for office supplies has already been reviewed favorably by both ADOA and the Governor's Efficiency Review Steering Committee and any appeal of the awarding of the contract should occur in the courts.

county supervisors; membership; number (H.B. 2575) – VETOED

Reduces the population threshold for counties to elect a five-member board of supervisors to 165,000 persons and requires the board of supervisors to begin the process of electing two additional members at the next general election of the U.S. President.

GOVERNMENT COMMITTEE (Cont'd.)

In her veto message, the Governor states that the bill is neither timely, necessary nor cost effective and that counties with fewer than 200,000 persons have either operated efficiently with fewer than five supervisors or had the option to vote to increase their board to five.

slum clearance (H.B. 2675) – VETOED

Limits the use of eminent domain to the clearance and removal of slum conditions in a slum area. Prohibits a municipality from condemning property to increase tax revenue, tax base, employment or general economic health. Requires a municipality to determine by a two-thirds vote that each property subject to eminent domain is maintained in slum conditions and the owner is unwilling or unable to cure the slum condition. Terminates all current slum clearance and redevelopment area designations and requires the provisions of the bill to apply to all condemnation actions filed but not yet concluded. Removes a municipality's ability to declare an area "blighted" or to condemn a property for blighted conditions. Limits the definition of "slum area." Decreases the term of slum or blighted designation from ten years to five years.

In her veto message, the Governor states that the bill goes too far in restricting a city's ability to deal with slums and gangs. The Governor states that the bill removes local control, sets up a needlessly complex process for redevelopment efforts and creates inappropriate impediments to communities looking to make their neighborhoods safe and productive.

national guard mobilization; border; appropriation (H.B. 2701) – VETOED

Appropriates \$10 million from the state General Fund in FY 2006-2007 to the Department of Emergency and Military Affairs to pay expenses incurred by the National Guard for any mobilization related to unauthorized border crossing. Requires the Governor to mobilize the National Guard if the Governor declares a state of emergency for the protection of lives or property resulting from an increase in unauthorized border crossings.

In her veto message, the Governor states that the Legislature has no constitutional authority to control when or how the National Guard is deployed and that the legislation violates the separation of powers doctrine.